

AMENDED IN ASSEMBLY APRIL 5, 2010
AMENDED IN ASSEMBLY MARCH 23, 2010
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1647

Introduced by Assembly Member Hayashi
(Coauthor: Assembly Member Hill)

January 13, 2010

An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, and to add Sections 33355 and 49475 to the Education Code, relating to athletics.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as amended, Hayashi. Athletics.

(1) Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as an athletic trainer unless he or she has graduated from a college or university, after completing an accredited athletic training education program, as specified, completed requirements for certification by the Board of Certification, Inc., prior to January 1, 2004, or been certified by the Board of Certification, Inc. The bill would prohibit an athletic trainer from engaging in athletic training activities unless pursuant to protocols developed by a physician and surgeon for that athletic trainer. The bill would make it an unfair business practice to violate these provisions.

(2) Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These

services include medical or hospital insurance for pupils injured while participating in athletic activities, and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

This bill, commencing July 1, 2014, would provide that if a school district elects to offer any interscholastic athletic programs, the school district would be required to comply with certain requirements, including acquiring an automatic external defibrillator, to be made available at athletic activities and to be used in compliance with specified provisions of law, ensuring that a high school athlete who is suspected of sustaining a concussion or head injury during an athletic competition be immediately removed from the activity, and ensuring that there is a written action plan available that describes the procedures to be followed in the event of any emergency that occurs in connection with an athletic activity.

(3) Existing law grants the State Department of Education certain authority over interscholastic athletics, including the authority to state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.

This bill would require the department to adopt a heat-acclimatization program established by the National Athletic Trainers' Association or other similarly recognized organization, and to make this program available to school districts through its Internet Web site or other means.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Over 125 middle school and high school athletes died in
- 4 2008 and 2009, including 18 in California, and another 40 sustained
- 5 catastrophic, life-altering injuries. Many of these deaths and injuries
- 6 could have been prevented or mitigated if proper procedures were
- 7 employed.
- 8 (2) According to the National Center for Catastrophic Sport
- 9 Injury Research (NCCSIR), approximately 7.5 million pupils
- 10 participate in high school athletics each year.

1 (3) The NCCSIR also estimates that 2 million injuries occur
2 each year, including approximately 1 million injuries that result
3 in the loss of at least one week of activity.

4 (4) Historically, over 60 pupils per year are killed or suffer
5 catastrophic injuries, such as permanent paralysis, as the result of
6 spinal cord injury.

7 (b) It is therefore the intent of the Legislature to enact legislation
8 that will decrease the number of deaths and catastrophic injuries
9 sustained by California pupil athletes, with the focus on the most
10 common types of injuries and illnesses that result in life-threatening
11 injuries and deaths, including sudden cardiac death, traumatic brain
12 injury, and heat illness.

13 SEC. 2. Chapter 2.7 (commencing with Section 18898) is added
14 to Division 8 of the Business and Professions Code, to read:

15
16 CHAPTER 2.7. ATHLETIC TRAINERS
17

18 18898. (a) No person shall hold himself or herself out to be
19 an athletic trainer unless he or she has done any of the following:

20 (1) Graduated from a college or university after completing an
21 athletic training education program accredited by the Commission
22 on Accreditation of Athletic Training Education, or its predecessors
23 or successors.

24 (2) Completed requirements for certification by the Board of
25 Certification, Inc., prior to January 1, 2004.

26 (3) Been certified by the Board of Certification, Inc.

27 (b) An athletic trainer shall engage in athletic training activities
28 only pursuant to protocols developed for that athletic trainer by a
29 physician and surgeon licensed by the Medical Board of California
30 or an osteopathic physician and surgeon licensed by the
31 Osteopathic Medical Board of California.

32 (c) It is an unfair business practice within the meaning of
33 Chapter 5 (commencing with Section 17200) of Part 2 of Division
34 7 for any person to use the title of "athletic trainer" or "certified
35 athletic trainer" or any other term, such as "licensed," "registered,"
36 or "ATC," that implies or suggests that the person is certified as
37 an athletic trainer, if the person does not meet the requirements of
38 subdivision (a) and engage in athletic trainer activities pursuant
39 to subdivision (b).

40 SEC. 3. Section 33355 is added to the Education Code, to read:

1 33355. The department shall adopt a heat-acclimatization
2 program established by the National Athletic Trainers' Association
3 or other similarly recognized organization, and shall make this
4 program available to school districts through its Internet Web site
5 or other means.

6 SEC. 4. Section 49475 is added to the Education Code, to read:

7 49475. Commencing July 1, 2014, if a school district elects to
8 offer any interscholastic athletic programs, the school district shall
9 comply with all of the following:

10 (a) The governing board of a school district shall acquire an
11 automatic external defibrillator (AED) for pupils, instructors,
12 spectators, and other individuals in attendance at extracurricular
13 athletic competitions under the jurisdiction of, or sponsored or
14 controlled by, the district or the authorities of any school of the
15 district. The governing board of a school district shall ensure its
16 availability to trained personnel during all athletic activities under
17 the jurisdiction of, or sponsored or controlled by, the district or
18 the authorities of any school of the district.

19 (1) An employee of a school district who renders emergency
20 care or treatment is not liable for civil damages resulting from the
21 use, attempted use, or nonuse of an AED, except as provided in
22 subdivision (e).

23 (2) When an employee of a school district uses, attempts to use,
24 or does not use an AED consistent with the requirements of this
25 section, to render emergency care or treatment, the employee,
26 school district, or both is not liable for civil damages resulting
27 from any act or omission in rendering the emergency care or
28 treatment, including the use or nonuse of an AED, except as
29 provided in subdivision (e).

30 (3) Notwithstanding Section 1797.196 of the Health and Safety
31 Code, in order to ensure public safety, a school district shall ensure
32 all of the following:

33 (A) That the AED is maintained and regularly tested according
34 to the operation and maintenance guidelines set forth by the
35 manufacturer.

36 (B) That the AED is checked for readiness after each use and
37 at least once every 30 days if the AED has not been used in the
38 preceding 30 days. Records of these checks shall be maintained.

1 (C) That any person who renders emergency care or treatment
2 to a person in cardiac arrest by using an AED activates the
3 emergency medical services system as soon as possible.

4 (D) That for every AED acquired, up to five units, not less than
5 one employee per AED shall complete a training course in
6 cardiopulmonary resuscitation and AED use that complies with
7 the regulations adopted by the Emergency Medical Services
8 Authority and the standards of the American Heart Association or
9 the American Red Cross. After the first five AED are acquired,
10 for each additional five AED acquired, a minimum of one
11 employee shall be trained beginning with the first additional AED
12 acquired. Acquirers of AED shall have trained employees who
13 should be available to respond to an emergency that may involve
14 the use of an AED unit.

15 (E) That there is a written plan available that describes the
16 procedures to be followed in the event of an emergency that may
17 involve the use of an AED, to ensure compliance with the
18 requirements of this section. The written plan shall include, but
19 shall not be limited to, immediate notification of 911 and trained
20 office personnel at the start of AED procedures.

21 (4) Subparagraphs (B) and (C) shall not apply in the case of
22 personal injury or wrongful death that results from gross negligence
23 or willful or wanton misconduct on the part of the person who
24 uses, attempts to use, or maliciously fails to use an AED to render
25 emergency care or treatment.

26 (b) A high school athlete who is suspected of sustaining a
27 concussion or head injury in a school-sponsored athletic activity
28 shall be immediately removed from the activity and shall not be
29 permitted to return to the activity until he or she is evaluated by a
30 licensed physician and surgeon, osteopathic physician and surgeon,
31 or athletic trainer *trained in the management of concussions*
32 pursuant to Chapter 2.7 (commencing with Section 18898) of
33 Division 8 of the Business and Professions Code. ~~If the athlete is~~
34 ~~evaluated by an athletic trainer refers an athlete suspected of~~
35 ~~sustaining a concussion to a licensed physician and surgeon or an~~
36 ~~osteopathic physician and surgeon, that athlete shall not be~~
37 ~~permitted to return to the activity until he or she receives written~~
38 ~~clearance to return to the activity from that licensed physician and~~
39 ~~surgeon or osteopathic physician and surgeon.~~

- 1 (c) The governing board of the school district shall ensure that
- 2 there is a written emergency action plan available that describes
- 3 the procedures to be followed in the event of any emergency that
- 4 occurs in connection with an athletic activity.

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